

From: dvongsmith
To: Microsoft ATR
Date: 1/23/02 10:51pm
Subject: Comments on proposed settlement

Hello Justice Department,

I strongly oppose your proposed anti-trust settlement with Microsoft.

First: On the face of it, it would further extend their monopoly into a tiny niche of the market where Microsoft has traditionally been outsold (by Apple Computer): the nation's public school system. This prospect alone must bring cheer to Microsoft.

Second: It does nothing to compensate consumers who have been harmed over the years by Microsoft's unlawful maintenance of their monopoly through the suppression of competition. The monetary amount of the proposed settlement is a pittance compared to the disproportionately high prices consumers have had to pay for operating system software.

Third: It fails to foster competition by allowing Microsoft to continue the practice of bundling applications to the exclusion of alternative consumer choices.

Fourth and final: It fails to prevent Microsoft from subverting both competing software applications and industry-standard protocols through proprietary "extensions", for example the Java programming language, the XML Internet language, and through Microsoft's .Net and Passport initiatives.

In conclusion, I hope the proposed settlement is discarded, and is instead replaced by a settlement that:

- 1) significantly and materially recompenses past consumers, as through a free upgrade to an improved (stable, secure) operating system version,
- 2) places strict and enforceable controls on Microsoft's monopoly power, as if it were an "essential utility"; for example by making Microsoft's Application Program Interface (API) source code public, and
- 3) separates Microsoft into a competitive "Operating System" business, and an "Applications Program" business.

Your office is supposed to work for the public good! Don't do what would prompt the monopolists to raise champagne glasses in a toast to their good fortune.

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Very truly yours,
David V. Smith

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